Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

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PAGE 01 KHARTO 02147 251353Z

45/53
ACTION AF-04

INFO OCT-01 SS-14 ISO-00 NEA-06 SY-02 USSS-00 IO-03 EB-03

SCA-01 AID-10 NSC-10 NSCE-00 PM-03 L-02 CIAE-00

INR-10 NSAE-00 RSC-01 DODE-00 EUR-10 PRS-01 DRC-01

/082 W
---------- 056126
R 241110Z SEP 73
FM AMEMBASSY KHARTOUM
TO SECSTATE WAHHDC 7153

C O N F I D E N T I A L KHARTOUM 2147

LIMDIS

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: GDS
TAGS: PINS BE, SU
SUBJ: TRIAL OF BSO TERRORIST

REF: A. KHARTOUM 2120; B. STATE 186720

1. SUMMARY. MFA UNDERSEC OBEID QUERIED ME SEPT 22 RE PORTIONS AMB HAMZA'S REPORT HIS SEPT 20 TALK WITH SEC NEWSOM. HIS COMMENTS REVEAL GOS SENSITIVITY RE OUTSIDE COACHING ON TRIAL SCHEDULE, BUT ALSO REITERATE SUDANESE DETERMINATION CARRY THROUGH CASE TO SEE JUSTICE DONE. END SUMMARY.

2. IMMEDIATELY FOLLOWING CREDENTIAL CEREMONY (SEPTEL), I WAS ASKED CALL ON MFA UNDERSEC FADL OBEID. AFTER COURTEOUS PRELIMINARIES, HE REFERRED FILE IN FRONT OF HIM CONTAINING HAMZA'S REPORT OF HIS MEETING WITH ASST SECY NEWSON SEPT 20 (REFTEL B). OBEID SAID HE FOUND PART OF DISCUSSION UNOBJECTIONABLE, BUT HE THEN REMARKED: "I HOPE MR. NEWSOM DID NOT SAY THE FOLLOWING." HE THEN QUOTED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KHARTO 02147 251353Z

FOLLOWING PASSAGE FROM HAMZA CABLE: "(NEWSOM SAID) ANY

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

FAILURE (SIC) ON PART GOS TO CHANGE DATE (OF INQUIRY) WILL
RECEIVE OUR GREAT CONCERN...ANY INDEFINITE POSTPONEMENT
OF TRIAL SHOULD HAVE SERIOUS REPERCUSSIONS ON OUR RELATIONS."
I TOLD OBEID I HAD ALSO RECEIVED REPORT OF MEETING. WHILE
REGRETTING I DID NOT HAVE IT BEFORE ME, MY RECOLLECTION WAS
THAT AMB HAMZA'S REPORT, NO DOUBT DUE TELEGRAPHESE, DID
NOT EXACTLY REFLECT NEWSOM'S COMMENTS. ASST SECY'S
EMPHASIS HAD BEEN ON ANY "UNREASONABLE" POSTPONEMENT.
THERE WAS, OF COURSE, NO QUESTION OUR SEEKING INSTRUCT
SUDANESE ON MATTER WITHIN THEIR COMPETENCE, BUT, EQUALLY,
THERE NO QUESTION THAT UNREASONABLE POSTPONEMENT WOULD
HAVE SERIOUS IMPACT ON OUR RELATIONS. I DESCRIBED ISSUE
AS PRESENT AS CLOUD ON HORIZON WHICH MIGHT EITHER PASS
AWAY OR DEVELOP INTO REAL STORM. WHICH HAPPENED WAS UP
TO SUDANESE. FOR OUR PART, WE WISHED ALERT GOS TO DANGER
WHILE CERTAINLY HOPING DOWNPOUR COULD BE AVOIDED.

3. OBEID REPLIED NO DECISION YET TAKEN BY MAGISTRATE RE
SEPT 25 INQUIRY, "BUT IN ANY EVENT IT WILL NOT BE POSTPONED
INDEFINITELY". ALL SUDANESE WERE PROUD OF INDEPENDENCE
AND INTEGRITY COUNTRY'S JUDICIAL SYSTEM. THERE WAS DETER-
MINATION TO SEE THIS CASE THROUGH. RECENTLY "NEW ELEMENTS"
HAD ARISEN OF PROCEURAL NATURE (I.E., JAILING DEFENSE LAWYERS)
WHICH MIGHT REQUIRE MAGISTRATE AUTHORIZE ANOTHER POSTPONE-
MENT. IN RESPONSE MY QUESTION, OBEID SAID UNDER SUDANESE
LAW MAGISTRATE COULD SO ORDER EITHER FROM HIS CHAMBERS IN
ADVANCE SEPT 25 OR AT INCEPTION INQUIRY THAT DATE. OBEID
CONCLUDED THAT ATTN GEN BADLY WANTED GET THIS CASE OUT OF
WAY, SINCE IT REPRESENTED "SWORD OF DAMOCLES" OVER HIM.
I SAID IT ALSO SEEMED SWORD OF DAMOCLES OVER OUR RELATIONS
AND REMINDED OBEID PERPETRATORS TRAGEDY HAD HAD BOTH GOS
AND USG AS THEIR OBJECTIVES.

4. I THEN TOLD OBEID CONCERNED USG OFFICIALS RECOGNIZED
PROBLEMS THIS CASE PRESENTED FOR GOS AND CONTINUED ACCEPT
SUDANESE ASSURANCE THAT JUSTICE WOULD BE DONE. HOWEVER,
US PRESS AND PUBLIC NOT EQUALLY SOPHISTICATED AND YET THEY
COULD IMPORTANTLY INFLUENCE USG POLICY. OBEID CLAIMED DEPT
AND SUDAN EMBASSY SHOULD BE EDUCATING AMERICAN PUBLIC
OPINION. CITING ASST SECY NEWSOM'S TV INTERVIEW OF LAST
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PAGE 03 KHARTO 02147 251353Z

JULY, 8 SAID THIS PRECISELY WHAT WE HAD ATTEMPTED TO DO, BUT
THAT SUCH EFFORTS WOULD BECOME INCREASINGLY DIFFICULT IN
FACE ANY UNREASONABLE POSTPONEMENT OF CASE BY SUDANESE.

5. COMMENT: WHILE SUDANESE OBVIOUSLY SENSITIVE ANY
ACTIONS WHICH THEY MAY REGARD AS INJECTION USG IN THEIR
AFFAIRS, OUR RECENT APPROACHES WASHINGTON AND HERE HAVE
SERVED UNDERLINE FOR GOS CONTINUED IMPORTANCE WE ATTACH

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

TO EARLY PROGRESS ON PENDING CASE. NEXT STEP IS TO SEE WHAT WILL BE SPECIFICS OF MAGISTRATE'S DECISION ON OR BEFORE SEPT 25. BREWER

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EO Systematic Review
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